

## STATE ATTORNEYS GENERAL

A Communication From The Chief Legal Officers Of The Following States  
New York \* Connecticut \* Illinois \* Massachusetts \* New Jersey \* Rhode Island \* Vermont



June 4, 2004

The Honorable George W. Bush  
President  
United States of America  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Dear Mr. President:

On behalf of the over 51 million residents of our states, we urge you immediately to require the Tennessee Valley Authority (TVA) to install full pollution controls at its eleven coal-fired power plants as required by the Clean Air Act.

The Environmental Protection Agency (EPA) and the United States Department of Justice have already attempted to remedy significant, on-going violations of the Clean Air Act's New Source Review requirements at TVA's coal-fired power plants. Because TVA undertook massive and prolonged efforts to rebuild its plants without installing the pollution controls mandated by law, EPA ordered TVA to install controls. TVA, using counsel other than the Department of Justice, challenged EPA's order and prevailed on procedural grounds having nothing to do with the violations. Thus, within the Executive Branch, now only the President can order TVA to reduce its pollution.

TVA is one of the nation's largest air polluters and its emissions degrade air quality throughout the eastern and mid-western United States. TVA's illegal pollution from its coal-fired power plants is seriously harming the health and environment of Americans both in the Southeast and, because it is transported with prevailing winds from the South, the Northeast and Midwest. In 2003, for example, TVA plants emitted 583,000 tons of sulfur dioxide, 235,000 tons of nitrogen oxides, 4,645 pounds of mercury, and 103 million tons of carbon dioxide. Sulfur dioxide and

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nitrogen oxides cause acid rain, haze, smog and respiratory disease. Mercury is a poison. Carbon dioxide causes global warming.

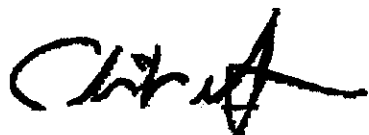
According to EPA-approved models, over 1200 Americans die prematurely every year due to TVA's power plant pollution; tens of thousands others suffer asthma attacks and other respiratory symptoms. TVA's emissions also contribute to the States' challenges in attaining National Ambient Air Quality Standards for ozone and fine particulates.

The EPA and Department of Justice have spent significant time and resources seeking pollution controls on the TVA plants. It is imperative that this effort not languish. The ongoing violations at the TVA coal-fired power plants are as serious as the violations underlying other clean air enforcement actions the United States is pursuing in district courts throughout the country and deserve your immediate attention.

We urge you to act now to stop these violations of the law -- violations that are degrading air quality, harming the health of Americans and impairing States' efforts to ensure clean air for their residents.

Thank you for your consideration of this request.

Sincerely,



Eliot Spitzer  
Attorney General of New York



Richard Blumenthal  
Attorney General of Connecticut

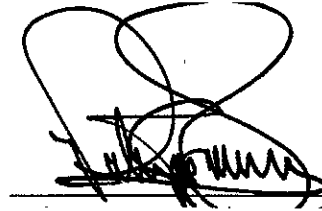


Lisa Madigan  
Attorney General of Illinois

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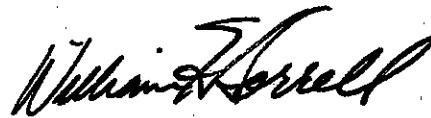
Tom Reilly  
Attorney General of Massachusetts



Peter C. Harvey  
Attorney General of New Jersey



Patrick Lynch  
Attorney General of Rhode Island



William H. Sorrell  
Attorney General of Vermont

cc: The Honorable John Ashcroft, Attorney General  
The Honorable Michael Leavitt, Administrator, U.S. Environmental Protection Agency